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Addressee: FAX CENTER DISCLOSURE FAX NO. 703-872-9306
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(COMPANY)

From: David Bogart Dort Date October 3, 2004

Cover Sheet & 12 pages

Billing No. VRBA.P002.A

SERIAL NO. 10/816,531

Return to William F. Busch
NAME

/Fax: 202-318-7729 (Washington, DC)
Fax OFFICE LOCATION

RE: US APPLICATION SERIAL NO. 10/816,531

In the matter of the above-referenced Application please find attached:

- (1) Certificate of transmission 37 CFR 1.8;
- (2) Information Disclosure Statement with PTO-1449 (4 pages)
- (3) 1 (One) Reference (8 Pages);
- (4) The Commissioner is authorized to charge Deposit Account 50-3068 (Docket VRBA.P002.A) for any underpayments to complete this procedure.

Certificate of Transmission 37 CFR § 1.8

I hereby certify that this transmission along with all referenced documents is being transmitted to MAIL STOP: DISCLOSURE of United States Patent and Trademark Office at Fax No. 703-872-906 on this 3rd day of October, 2004.


David Bogart Dort

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DORT, DAVID BOGART.

APPLICATION NO.: 10/816,531

FILED: APRIL 1, 2004

FOR: Real motion detection sampling and
recording for writing instruments and small
tracking instruments using electrically-active
material with viscosity

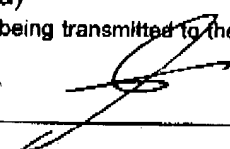
EXAMINER:

ART UNIT:

CONF. NO:

DOCKET NO. VRBA.P002.A

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action - 37 C.F.R. § 1.97(b)**

CERTIFICATE OF TRANSMISSION 37 CFR 1.8(a)	
I hereby certify that this correspondence and all attachments are being transmitted to the USPTO at central fax number 703-872-9306 on this 3rd day October, 2004.	
Date: <u>October 3, 2004</u>	By: 
David Bogart Dort	

Mail Stop: Disclosure

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

I. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

VRBA.P002.A.IDS1.100304

2. Cited Information

- ☒ Copies of the following references are enclosed:
- ☐ All cited references
 - ☐ References marked by asterisks
 - ☒ The following: INTERNATIONAL SEARCH REPORT for PCT/US04/17753 mailed 9/29/2004.
- ☐ Copies of the following references can be found in parent U.S. Application No.
- ☐ All cited references
 - ☐ References marked by asterisks
 - ☐ The following:
- ☒ This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- ☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
- ☐ All cited references
 - ☐ References marked by ampersands
 - ☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

The Applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

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☒ Applicant further submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):

☒ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or

☐ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-3068 (VRBA.P002.A).

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

☒ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
DORT CLOSE IP LAW GROUP,
Professional Corporation

Date: October 3, 2004 10/3/04
Washington, DC


David Bogart Dort
Registration No. 50,213

Correspondence Address:
Customer No. 37578

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VRBA.P002.A.IDS1.100304

INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)				COMPLETE IF KNOWN	
				Application Number	10/816,531
				Confirmation Number	
				Filing Date	April 1, 2004
				First Named Inventor	David Bogart DORT
				Group Art Unit	
Examiner Name					
Sheet	1	of	1	Attorney Docket No.	VRBA.P002.A

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	A	6,697,049		Lu	3/29/2001	
	B	5,384,688		Rockwell	3/8/93	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		PCT SEARCH REPORT, PCT APPLICATION NO. PCT/US04/17753, Mailed 9/29/2004.	

EXAMINER:	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	

VRBA P002 A 1449 100304